




LAW OFFICE OF HOWARD L. HIBBARD
Howard L. Hibbard, Esq. SBN: 80987
Lisa K. Kehe, Esq. SBN: 239337
251 Park Road, Suite 800
Burlingame, CA 94010
(650) 347-5010 – phone
(650) 347-5011 – fax

The following constitutes
the order of the court. Signed June 17, 2011


William J. Lafferty, III
U.S. Bankruptcy Judge

Attorney for Debtors,
JORGE GANDARA and ANGELINA GANDARA

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re:)	Case No.: 11-43624
)	
JORGE GANDARA and ANGELINA)	Chapter 13
GANDARA,)	
)	ORDER VALUING LIEN OF HSBC ON
)	SECOND DEED OF TRUST
)	
Debtors.)	
)	
)	
)	
)	
)	

On April 21, 2011, Debtors herein filed a Motion to Value Lien of BENEFFICIAL, subsidiary of HSBC FINANCE CORPORATION, (STEWART TITLE GUARANTY as trustee and Beneficial, member HSBC Group, subsidiary of HSBC Bank as loan servicer) (“Lienholder”) pursuant to 11 U.S.C. §§506(a), §506(d), §1322 (b) (2) and §1327 so as to strip the junior mortgage of Lienholder against the Debtors’ real property commonly known as: 722 Sunset Drive Livermore, CA 94551-1824 and more fully described in the Litigation Guarantee

1 Report which is attached the Moving Papers as Exhibit "A" thereto (Docket No. 12), listing the
2 lien as Instrument No. 2007225393 in the Official Records of the County of Alameda and
3 recorded on or about June 13, 2007 ("Lien").

4 The Court finds that Notice of the Motion upon Lienholder was proper. Lienholder
5 having failed to file timely opposition to Debtors' Motion, the Court hereby orders as follows:

6 IT IS HEREBY ORDERED:

7 (1) For purposes of Debtors' Chapter 13 plan only, the Lien is valued at zero (0), HSBC
8 does not have a secured claim, and the Lien may not be enforced, pursuant to 11
9 U.S.C. §§506(a), §506(d), §1322 (b) (2) and §1327.

10 (2) This Order shall become part of the Debtors' confirmed Chapter 13 plan.

11 (3) Upon entry of a discharge in Debtors' Chapter 13 case or completion of plan
12 payments, the Lien shall be voided for all purposes, and upon application by Debtors,
13 the Court will enter an appropriate form of judgment voiding the Lien.

14 (4) If Debtors' Chapter 13 case is dismissed or converted to one under another chapter
15 before Debtors obtain a discharge or completes plan payments, this Order shall cease
16 to be effective and the Lien shall be retained to the extent recognized by applicable
17 non-bankruptcy law. And upon application by the Lienholder, the Court will enter
18 the appropriate form of Order restoring the Lien.

19 (5) Except as provided by separate, subsequent Order of this Court, the Lien may not be
20 enforced so long as this Order remains in effect.

21 IT IS SO ORDERED.

22 ** END OF ORDER **
23
24
25

COURT SERVICE LIST

Beneficial California, Inc.
Attn: Agent for Service
c/o Records Processing Services
577 Lamont Drive
Elmhurst, IL 60126

HSBC Bank USA, N.A.
Irene Dorner, President and C.E.O.
1800 Tysons Blvd.
McLean, VA 22102

HSBC Mortgage Services, Inc.
Attn: Agent for Service – Bankruptcy Dept.
P.O. Box 21188
Eagan, Minnesota 55121

HSBC North America Holdings, Inc.
Naill Booker, C.E.O.
26525 North Riverwoods Blvd.
Mettawa, IL 60045

HSBC Finance Corp.
Patrick Burk, C.E.O.
26525 North Riverwoods Blvd.
Mettawa, IL 60045

Jorge Gandara and Angelina Gandara
722 Sunset Drive
Livermore, CA 94551

Stewart Title Guaranty Company
Malcom Morris, CEO and Stewart Morris
1980 Post Oak Boulevard, Suite 800
Houston, Texas 77056